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TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3773/Examiner Melanie Ruano Tyson

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/098,683

Gary Karlin Michelson

Filed: March 15, 2002

**SPINAL IMPLANT CONTAINING MULTIPLE
BONE GROWTH PROMOTING MATERIALS
(as amended)**

Attorney Docket No. 101.0042-05000

Customer No. 22882

Confirmation No.: 7210

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 4

Date: January 17, 2008

Confirmation Copy to Follow: NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Information Disclosure Statement Under 37 C.F.R. § 1.97(c) and Form PTO/SB/08 (total amount of \$180.00 to cover the IDS fee is to be charged to Deposit Account No. 50-3726) are being facsimile transmitted to the U.S. Patent and Trademark Office on January 17, 2008.



Sandra L. Blackmon

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PATENT
Attorney Docket No. 101.0042-05000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:) Confirmation No.: 7210
Gary Karlin Michelson)
Serial No.: 10/098,683) Group Art Unit: 3773
Filed: March 15, 2002) Examiner: Melanie Ruano Tyson
For: SPINAL IMPLANT CONTAINING)
MULTIPLE BONE GROWTH)
PROMOTING MATERIALS)
(as amended))

JAN 17 2008

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the document listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

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Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 17, 2008

By: 

Thomas H. Martin

Registration No. 34,383

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